

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MICHIGAN**

In Re: ABEL ACUNA, JR.  
SS# XXX-XX-2086

CASE NO.: 10-07819-swd  
HON. SCOTT W. DALES  
CHAPTER 13

SOILA ACUNA  
SS# XXX-XX-9764

---

STARIHA LAW OFFICES, P.C.  
By: Robert A. Stariha (P 29156)  
Attorney for Debtors  
48 W. Main Street, Suite 6  
Fremont, Michigan 49412  
(231) 924-3761

---

**MOTION FOR AUTHORITY TO CONVEY REAL ESTATE**

NOW COME the Debtors, by their attorneys, Stariha Law Offices, P.C., and for their Motion for Authority to Convey Real Estate, say:

1. That Debtors originally commenced this action by filing a Petition for Relief under Chapter 13 of the United States Bankruptcy Code on June 23, 2010.
2. That Debtors' Chapter 13 Plan was confirmed on or about October 6, 2010.
3. That Debtors' Chapter 13 Plan, as amended, provides that Debtors were to sell their unencumbered real estate located in the City of Montague, County of Muskegon consisting of two parcels owned by the Debtors.
4. That included within that property to be sold is Lot 19, Anderson Road, City of Montague, County of Muskegon more particularly described as follows:

Lot 19, Assessor's Plat of Edward Brodbeck's Subdivision
5. That Debtors have entered into an agreement for the sale of the above described real property for the sum of Eight Thousand Five Hundred and 00/100 Dollars (\$8,500.00) in accordance with the attached Buy and Sell Agreement for Vacant Land. "Exhibit A"

6. That, although the property was valued at \$16,500.00 at the time of the filing of the Debtors' Chapter 13 schedules and plan, the realtor has provided this office with a report with properties that are comparable to the property being sold which indicate a sale price far below the amount scheduled at the time of the filing. "Exhibit B"
7. That the net proceeds from said sale will be remitted to the Chapter 13 Trustee in Debtors' Chapter 13 case for distribution in accordance with the Debtors' confirmed Chapter 13 Plan, as amended.

WHEREFORE, DEBTORS PRAY:

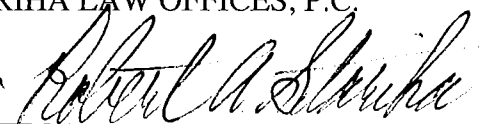
- A. That Debtors be authorized to sell real property as described above in accordance with the terms of the Buy and Sell Agreement for Vacant Land entered into by and between Debtors and Ruben Acuna.
- B. That this Court determine that if no objection to the relief requested pursuant to this Motion is filed with the Court and copies served upon the undersigned as Attorney for the Debtors within a period of twenty-one (21) days from the date of service of this motion together with a proposed order granting same, that the motion and order will be entered by the Court without hearing and without further notice.
- C. That the conveyance be ordered to be a sale pursuant to 11 USC Section 363 of the United States Bankruptcy Code and free and clear of any and all liens which might be asserted against the premises, with the said lien interest if any, attaching to the proceeds of said sale and to be distributed in accordance with the Debtors' Chapter 13 Plan and the Orders of this Court.
- D. That the Court further direct that, in the event that an objection is filed to the relief requested by this motion, the Court schedule this matter for a hearing on a date and time

to be set by the Court at the United States Bankruptcy Court, One Division, N.W., Grand Rapids, Michigan.

- E. That Debtor have such other and further relief as shall be just and proper in the circumstances.

Dated: May 16, 2013

Respectfully Submitted,  
STARIHA LAW OFFICES, P.C.

/s/ 

By: Robert A. Stariha (P 29156)  
Attorneys for Debtors